

ATTACHMENT A

Remarks

By this Amendment, independent claims 28, 32, 35 and 38 have been amended to better define the invention. Other dependent claims have also been amended consistent with the changes to the independent claims and/or for clarity; while new dependent claims 49-61 have been added to further claim the present invention. Other previously pending claims have been canceled to reduce the issues, but without prejudice to refilling in a continuation application. It is submitted that the present application is in condition for allowance for the following reasons.

Independent claims 28 and 32 have been substantially amended to more closely conform with the "Superset Decision Method" as discussed best in the specification from page 22. In the preferred embodiment, this Superset Decision Method has seven preliminary steps that occur before application information is actually collected and processed; the first and second of these 7 steps relate to an essential feature of the Superset Decision Method, while the rest are optional but preferred. Accordingly, claims 28 and 32 have been amended to more clearly define the essential features of the Superset Decision Method, and to more closely parallel that Superset Decision Method as explained by reference to the preferred embodiment. The preferred feature described as step 3 in the preferred embodiment may be found in new dependent claims 49 and 56. Similarly, amended dependent claim 29 and new dependent claim 57 relate to step 4, new dependent claims 50 and 58 relate to step 5, and new dependent claims 51 and 59 relate to step 6. Presently cancelled claim 14 relates to step 7; the

two features of cancelled claim 14 now appear in new dependent claims 52–53 and 60–61.

Thus, it is submitted that these claims are now allowable as the claimed Superset Decision Method is not shown or made obvious by any of the cited references.

In the outstanding Office Action, and with reference now only to the presently pending claims, the Examiner rejects: (a) claims 31 to 34, 39 to 44 and 48 under 35 U.S.C. 103(a) as unpatentable over Norris (US 5,870,721) in view of Fraser *et al.* (US 5,995,947) and Hartman *et al.* (US 5,960,411), and (b) claims 28 to 30, 35 to 38 and 45 to 47 under 35 U.S.C. 103(a) as unpatentable over Norris (US 5,870,721) and Hartman *et al.* (US 5,960,411) as applied to (now cancelled) claim 16 in view of Fraser *et al.* (US 5,995,947).

In discussing claims 1 to 18 (and hence claim 16) the Examiner observes that Norris teaches a loan processing system that allows applicants to input data, sends the data over a communications network, allows lenders to view and analyze the data, provides an applicant with a status or an assessment of the application, includes display means, obtains additional information from external sources, uses a neural network to render a decision, allows an application to be rejected based on a partial analysis, allows an applicant to request (and a lender to furnish) assistance, can be implemented on a PC, and queries an applicant for the purposes of gathering data in order to make a decision.

The Examiner states that Hartman *et al.* teach a method for allowing a user to complete an application through the optimization of electronic form processing, including providing a sequence of forms to a user that avoids the requesting of

unnecessary information, and constructing and presenting second and subsequent forms containing subsequent information, on the basis of information provided by an applicant in the first form.

However, neither Norris nor Hartman *et al.* disclose - nor is it claimed by the Examiner that these documents suggest - the concept of a "Superset" of application or approval criteria comprising the union of the sets of lenders' (or other application recipients') approval criteria. Similarly, there is no suggestion in either document that the applicant is requested to provide sufficient application information to satisfy this Superset, so that respective *separate* assessments can be respectively formed for each of the application recipients. Further, there is no reason to suppose, even if the disclosures of Norris and of Hartman *et al.* were combined, that it would be obvious to make the present invention as defined in claims 28 and 32.

Neither Norris nor Hartman *et al.* contemplate the forming of multiple assessments (each relating to a different lender), whether by forming a Superset of approval criteria or otherwise. Indeed, both references teach away from such an approach. Norris, from column 6 line 20, explains that analyzing the loan application "involves determining a score on which grant or denying the loan will be based" [emphasis added]. The outcome of the analysis of the loan application (by neural network 17) can be "that the loan application should be made" (column 6 line 47) or, presumably, denied. The only exception appears to be that the loan decision may be unclear (see column 8 lines 22 to 27), in which case the borrower is called back and asked for an additional business day to qualify the loan application.

There is thus no suggestion whatsoever of forming separate assessments for a plurality of lenders.

Hartman *et al.* discloses a method and system for placing an order, so its suggested relevance to the present application merely concerns the manner in which information is captured. It thus has no direct bearing on the inventive features of the Superset Decision Method but, in any event, makes no reference to forming separate assessments for a plurality of application recipient, whether involving forming a Superset of approval criteria or otherwise.

It is submitted, therefore, that independent claims 28 and 32, and hence claims 29-31, 49-55, 33-34, 42-44 and 56-61 depending therefrom, are neither disclosed nor made obvious by this combination of prior art documents.

Fraser *et al.* is said to teach an interactive loan trading system where a loan application can be modified, and is accessible and selectively presentable on remote lender computers in order for lenders to select, review and bid on loan applications. The Examiner suggests that this constitutes the assessing of applications based on approval criteria of each lender.

Claim 28 as now amended clarifies that the apparatus includes computing means that can store or access the Superset of approval criteria, request that the applicant provide application information required to assess the application against the Superset of approval criteria, and form respective separate assessments of the application. As discussed above, this is not taught by the combination of Norris and Hartman *et al.*, nor is this in any way suggested or made obvious with the addition of the disclosure of Fraser *et al.* According to Fraser *et al.*, a lender at a lender station 130 can view details

of loan profiles interactively (column 12, lines 49 and 50), but there is no disclosure of an apparatus having any of the features of claim 28 as discussed above. Each lender assesses a specific application, so there is no apparatus that can form a plurality of assessments.

In any event, there is no disclosure that the system of Fraser *et al.* collects sufficient information from an applicant for such separate assessments to be formed. According to Fraser *et al.* from column 3 line 47, each loan application submitted by a prospective borrower “includes a loan profile, which comprises information about the prospective loan, a set of bids... and a set of status information...”. From column 3 line 54 it is explained that each loan profile includes information about the loan and information about the underlying property. There is thus no suggestion that system 100 is provided with all the approval criteria of each of the lenders, so there is no mechanism by which system 100 can formulate yet alone employ a Superset of approval criteria with the characteristics defined in claims 28 and 32. It is submitted, therefore, that claims 28 and 32 - and claims depending therefrom - are patentable over the cited combination of documents.

The Examiner also contends that claims 35 and 38 are unpatentable over Norris, Hartman *et al.* and Fraser *et al.* These claims define a method and apparatus in which an application is provided to a plurality of application recipients. This should be distinguished from the disclosure of Fraser *et al.*, in which a plurality of lenders can “view” loan profiles of one or more prospective borrowers. Loan profiles, as have been discussed above, do not necessarily constitute actual applications but rather appear

merely to characterize prospective loan applications in a manner that is sufficient for a lender to decide whether the prospective application would be of interest or not.

Further, these loan profiles, whatever their content, are not provided to the lenders but rather stored in the trading system database 111 (see column 11 line 4), and then can be the subject of “loan profile searches” conducted by a lender. According to claims 35 and 38, an application is provided to the plurality of application recipients; indeed, the apparatus of claim 38 stores or accesses a list of application recipients so that it can provide the application to the application recipients in this manner.

Fraser *et al.*, the Examiner suggests, allow bids to be accepted (column 13, lines 42 to 47). However, according to Fraser *et al.* these bids are merely entered into the respective loan profile (see column 13 lines 5 and 6) so that - if he or she wishes - the *broker* can optionally review “those loans with accepted bids, those loans with pending unaccepted bids, and those loans waiting for bids from lenders” (column 13 lines 28 to 30). The bids, therefore, are not in fact transmitted to the applicant, whereas in claims 35 and 38 the bids are indeed forwarded to the applicant for acceptance or rejection.

More significantly, from column 13 line 43 of Fraser *et al.*, it is explained that once the broker station 120 transmits an acceptance for a particular bid for a particular loan profile to the transaction server 110, the transaction server 110 marks that bid as having been accepted, “and marks *all other bids* at the loan profile as having been rejected” [emphasis added]. Claims 35 and 38, however, allow for the acceptance or rejection of *each* of the bids by the applicant. The applicant recipients can then adjust their bids (e.g. claim 37). There is no disclosure or suggestion that the method or apparatus of Fraser *et al.* permits the acceptance or rejection of each bid individually,

such that more than one bid may be accepted or such that a bid may be adjusted accordingly. (This might be likened to an auction, in which a plurality of parties may each place multiple bids, and each bid is "acceptable" - even if later displaced by another bid - provided it is higher than all previous bids.)

Accordingly, although the method of claim 35, the apparatus of claim 38 and a system of Fraser *et al.* may all subject a borrower's loan application to competitive forces, the method and apparatus of claims 35 and 38 do so in a manner that forwards an actual application to a application recipients, forwards bids to the actual applicant, and - by allowing the acceptance or rejection of each bid - accommodates a subsequent round of bidding. Consequently, claims 35 and 38 and claims depending therefrom are patentable over the cited prior art.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.